TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

February 13, 2003 LB 216

procedure, the department should have the power to simply say fourth part of the amendment seeks to make clear that. The another, I thought, important aspect of this that I didn't elsewhere in the bill, and I hope I didn't overlook. But on page 49, line 25, it says, the director may review a policy form filing at any time after it has been made. Well, to me that seemed to leave it open to the department not reviewing these form filings at all. And I'm not sure if that's what was intended or not intended, but it seemed to me to still be important to review those form filings at some point in time. That's, you know, reviewing the forms and reviewing the rates, those are the two key elements of regulatory oversight. though these deal perhaps with more sophisticated even policyholders, still in all, some of them are ma and pop type people and smaller people, and they ought to have the protection of a regulatory oversight at some point in time. So it wouldn't preclude the file and use. They could file and they could use. But at least you would know that at some point in time the director was going to look at it. We had an episode not too long ago with title insurance where certain types of forms, department had the prerogative of looking at, but because they weren't required to look at it, they did not look at it. And we will never know whether looking at them would have prevented one or more problems, but we certainly had some problems. And it makes sense to me, at least, to be sure that what is meant by this language is that the department will review the forms at some point in time, and within a reasonable time. So I think those are...there is one other time line change but I believe I've caught everything...oh, one other, the last significant change, it's on page 50, line 13. In this instance, the...it's the process...it involves the process whereby the director may disapprove. Once the director actually looks at a form, disapprove it. And upon receipt of director can disapproval, the insurer shall cease use of the filing as soon practicable, but may use the form for policies that have already been issued or where pending coverage proposals are outstanding. And what my amendment would do would say, with the approval of the director may use the form for policies that have already been issued or where pending coverage proposals are outstanding. I wouldn't think that the department would want to be in a position where some terrible form somehow got by them